

Name: Marjorie Phillips

Date: March 23, 2018

Time: 10:00 a.m.

Present in Meeting: Deliwe Kekana, Affirmative Action Office and Title IX Coordinator, Jerilee Fonseca, Administrative Assistant for Affirmative Action and Diversity, UCE Representatives Isolina Perez and Amy Zaborowski-Smith, Human Resources Generalist Natacha Unelus

Initially when I came to your office a few weeks ago, I didn't necessarily expect to be putting forth a complaint. I was just looking for advice. I needed a place to talk. I thought this would be a safe place. When Deliwe was not there, I didn't want to proceed. Since then, I have experienced something else in the short period of time. That's what brings me here again. In the meantime, I went to the Union first because I needed a place to talk. It was there that it was decided that I should speak with Affirmative Action. I mentioned to Isolina that I had followed up with AA earlier.

When I come into work each day, I expect to be respected and for myself and my culture. I have expectations of my workplace and chose where I work based on feeling comfortable.

FIRST INCIDENT OF OCCURRENCE: Approximately Fall 2014.

Brenda Cowan, the former Chairperson of Exhibition and Experience Design was gossiping with her program assistant, Umilta Allsop. When I mentioned to Brenda that it was rude and unprofessional to whisper and gossip, she invited me to join their conversation. She said, "Come join us at the back of the bus." She thought this was funny. I was so shocked with what she had said that I don't even remember how I responded. I remember speaking with her privately in front of the E Building later, where I told her I was highly insulted by what she had said and I told her it was discriminatory. I also said that, I didn't know what I was going to do. I can actually file a complaint against you to Human Resources". When I told her in the moment, it was offensive, she said, "I just meant this was the slow bus." I told her how her play on words was offensive and she has to know this is America. She has to know that telling an African-American to join them "at the back of the bus" is going to be offensive. She went on about how she had black friends and it wasn't what she meant. I barely remember getting an apology. I am going to say I did, but it wasn't so obvious that I remembered it. She probably slid it in because she felt she had to. Since then, our relationship hasn't been that interactive.

SECOND INCIDENT OF OCCURRENCE: Approximately Fall 2016 Pre-election.

I came in to the office first thing in the morning and Marilyn Barton was speaking to our student aide. She was telling the student aide that African Americans were considered 3/5 of a human being. When you walk into the office there's a partition, so you can't see who's on the other side. You can't see who's coming in or who's on the other side of it. I sit in the front. When I showed myself while Marylyn was telling this student this, I was mortified. I asked her "What are you telling this student? What are you talking about? That African Americans were once considered 3/5 of a human being? Is that what you're telling her?" She went on to explain that is had something to do something with Trump and the election. She blamed the conversation on Trump. I didn't ask a lot of questions. But, I told her I was offended. I told her I was insulted. I told her I couldn't believe she was having this conversation, and with a student aide no less, who is probably 18 or 19 years old and white (Caucasian). She didn't apologize. I think there are certain things that in my opinion, you should not discuss at work. We all have discussions at home that we wouldn't have at work. Things you say at home you can say because you are in the comfort of your own home, and those things you don't say outside because you will offend someone. Whatever it was that they were discussing was not appropriate in the workplace especially when she works with two, three African-Americans. I don't know what it was, but she blamed it on Trump somehow.

The student was mortified. She didn't say much. She's a young girl. She looked like a deer in headlights. Based on the conversation, I let it be known that I was offended by her having this conversation in an office. It's something that a Black person is going to be offended by. This is not something I want to hear from anybody, particularly at a job, as an African American. I don't think I ever heard anyone say that in front of me in a conversation. There's one thing if I am reading a book or going over a history lesson with other African Americans maybe, but I never in my whole life had a white person reference that African Americans were once considered 3/5 of a human being. If you are speaking about Donald Trump then why are you bringing this up? I didn't ask what it had to do with Donald Trump. All I remember was that her

explanation had something to do with Donald Trump. As I tried to explain to her how offensive it was, she didn't understand why I was upset. She didn't see anything wrong with what she said and why I was so upset. When Anton and Umilta arrived at work, I told them separately what Marilyn said. Both were shocked, as I was and couldn't believe it. One of the things I was really bothered by was her having this conversation with this young white impressionable young girl. It's one thing to have your own personal thoughts on things, but I think it's another to pass that along and influence the next generation with racist thoughts. This is how racism is carried from one generation to the next. The student aide saw how upset I was and both of our reactions. She's just starting out in life. She's a student aide. She hasn't started a professional life yet and this is one of those defining moments to me. I brought it up again and more so to talk to the student aide to make her understand how offended I was by what I had overheard. Marilyn Barton was trying to pretend that she wasn't listening anymore. I told her I was offended and I didn't appreciate walking into this conversation in the morning at work. She never apologized.

Nevertheless, later, I asked Anton and Umilta, "What should I do?" I usually don't ask people what to do but in this case they were there and it was out in the office that this had happened, I asked them. They both didn't think I should do anything because that's how Marilyn is. I'm pretty certain part of their response was to let it go. They both think with these things, "nothing will be done about it". If the Dean had to choose between Marilyn and us, Mary would always choose Marilyn. I don't want to believe this, but they have said it multiple times. There's this old African proverb, "If you want to go fast, you go alone. If you want to go far, you go together". It's something that has been playing over and over in my head, and in that one instance I wanted them to help me make my decision about what to do. I made my feelings clear to Anton and Umilta, but I let it go.

THIRD INCIDENT OF OCCURRENCE:

Furthermore, approximately one year ago, Jonathan Kyle Farmer was in our office for a meeting with the Dean, Mary Davis. As I was getting dressed to go home, Kyle said in the presence of the Dean, that I look like I was going to the hood as I put my hat on. They were standing at my desk and everybody was leaving. I was speechless. After I gathered myself, I said to him, "Don't you ever, ever say that to a black woman ever again." I didn't raise my voice. I don't remember what he said. I thought it was somewhat of a blessing that the Dean was standing right beside him.

The next day, I went up to Mary and asked her, "Why would he say something like that?" She said she didn't know. I told her I was going to speak to him and she said fine. By this time, his office was in the 'B' Building. I met with him and I asked him why he would say something so racist and offensive. He said he didn't know. His response was probably so foolish that it was not good enough for me to remember what he said. I told him that it was offensive. I told him he is a teacher and he has African-Americans in his class and making comments like that would not go over well with his students. He said he was glad that I told him. I think he was playing on being British and how race is different in England. He apologized profusely and he thanked me for saying something to him. We had a long conversation outside of his office. He apologized many times.

Please note, I don't have any regrets. With any of these incidents I could have come to AA at the time but I'm really the type that prefers to handle it myself first. I believe I have the responsibility of making an effort to have a conversation with anyone who has offended me.

FOURTH INCIDENT OF OCCURRENCE:

The other incident was this past Christmas. One thing I'm experiencing is that very often, when I confront a white colleague with something that has offended me, and they have no real explanation or defense, it changes the relationship. They become very careful around me. That was the situation with both Kyle and Brenda.

Whenever Brenda Cowan would travel on business, she brought things back for us in the office. Each time she gave me something, I'd ask myself "What the hell is she giving me this for?" She gave me an "eraser" and I believe a pencil. She wrapped it up and gave this to me when she came back from a trip. Another time, she gave me something which appeared to be something over-the-counter when you're at a drugstore or Duane Reade. She wrapped it up and gave this to me. A different time, I showed it to Umilta and asked her, "What the hell is this?" She doesn't have to give me anything. I was offended. I didn't want what she gave me and I was leaving for vacation so, I put it in an interoffice office envelope and gave it to Umilta to give it back to Brenda. Umilta laughed about it. When I got back, Umilta had not returned the "gift". So, I let it go.

FIFTH INCIDENT OF OCCURRENCE

This past January, after Christmas she gave me lip balm wrapped; something you get at a Duane Reade counter that you just wrap up and give to someone. I was offended and asked myself, "Why is she giving me these things? What is she doing? What's the message Brenda is trying to convey? What am I supposed to be reading from this? Is this some effort to give the appearance of trying to move forward, or to pretend we have a relationship that we don't have. She doesn't need to give me anything. This time, I had enough. No note, nothing, I placed it in an interoffice envelope and sent it back to Brenda. Sometime later she was in the office and stopped by my desk to inform me that her gift had somehow been returned. She told me that she sent a Christmas gift to me and it ended up back in her office. She wasn't looking at me. She was just talking. I told her I sent it back. She didn't hear me. I let her keep talking. She went on about how she didn't know what could've happened because she gave me this Christmas present and it just ended up back in her office. I said again that I sent it back. She asked why. I didn't say anything. She asked if she offended me or was it because I don't believe in Christmas? I just looked at her and told her she didn't have to give me anything. She walked away.

Within an half an hour Dean Mary Davis walked up to me and asked if Brenda Cowan had given me a Christmas present, and if I sent it back. I looked at her like she was crazy. I couldn't believe the Dean was asking me. The look on my face must've told her that I couldn't believe she was asking me. Mary said ok, that she was out of this and this was between Brenda and myself. Why would the Dean get involved in a Christmas present? I later walked by the Dean's office and she called me. Mary and I had discussed an upgrade last July and she has been working towards making this happen. She told me that in the spring we would have a better chance of making this happen. One of the responsibilities I had was to take on Exhibition and Experience and Art Market programs because Umita didn't want to work with those two programs. She didn't want to work with them and they didn't want to work with her. It appears to me that Mary was just trying to prepare for what may happen at some point in time. When the Dean called me in I asked her if she was the Christmas present police." I can't believe you're asking me this. Why are you asking me about a Christmas gift between employees? This a personal matter." She said she received an email from Brenda. Well, the Dean said, "You're supposed to be working with Exhibition Design and this would not look good if you were to file a grievance against Brenda. This would not be the best situation." I did not understand why she was speaking about a grievance. As I was leaving Mary's office, I told her that Brenda and I had a situation a few years ago and she must be thinking about that situation. She believes I'm going to file some sort of grievance because she's still in that space. That was my assumption.

On March 9, Marilyn went to a funeral and came in the next day telling Umita about the funeral. They were talking about it as I walked in in the morning. When a colleague is going to a funeral, any decent human being would inquire about it the next day and I jumped into the conversation. Marilyn was talking about her cousin finding out that his parents weren't married when he was born. He was really concerned because he would be considered illegitimate and a bastard. She had mentioned illegitimacy and calling children bastards who are conceived out of wedlock once before. I didn't say anything at that time because it hit me sharply.

There was a conversation between the three of us about many parents who had been married 2 or 3 months before their child was born. It wasn't necessarily so uncommon. Marilyn was saying he was concerned he would be considered illegitimate and a bastard. This time when she said it, I said, "Well my son is not a bastard, and he is not illegitimate." I am a single mother, but we don't necessarily go around discussing marital status in the office unless you choose to have the conversation. Marilyn said, "Well, in some socioeconomic groups, he would be considered this." I was so taken aback. Sometimes people say things to you and it is best not to respond - especially in a professional setting. I was speechless. No one has ever said this to me.

The following Monday when I came in to the office, I made an appointment to speak to the Dean Mary Davis and told her what was said. Her first reaction was to chuckle and she said, "Well nobody uses those terms anymore. Those terms are outdated" and this was it pretty much. I had given it a lot of thought over the weekend and I decided to remind the Dean of all the incidents I have overlooked. Everything we have discussed here in this meeting, I told Mary. When I told her what Marilyn said to the student aide, Julia about African-Americans were considered 3/5 of a human being, she replied, WELL HISTORICALLY SHE'S CORRECT.

I did not expect Dean Mary Davis to respond this way. I was deeply hurt and even MORE offended. She didn't say much. She asked if I had taken the opportunity to educate Marilyn Barton and bring some awareness. I told her, I didn't. If someone offends me in the way that she had, I wouldn't feel compelled to educate anyone. I was expecting more dialogue from the Dean. In that moment, I decided to go through the list of incidents and offenses I had overlooked. I believe she was trying NOT to show any emotion. When I wasn't getting much response, I said I did have the option of going to EEO if I wanted. She said, "There are institutions in place within the college where I can go." I responded, if I chose to follow up with these institutions, the first question anyone would ask would be, had I spoken with the person in charge? Right from the start of our conversation, unfortunately, I felt the Dean was siding with Marilyn Barton. She wasn't showing any sense of fairness or compassion for what I was clearly very upset about at the time. I wasn't sure if she just didn't care, or was this the way FIT had trained their management to respond in situations like this one.

I was extremely disappointed about how the conversation turned out. Umlita and Anton have absolutely no faith in her fairness, and strongly believe she will always side against people of color, if and, when it is between Marilyn Barton and one of us. All Mary said to me was, "If you want me to speak to her, I will."

In conclusion, one last thing that I wanted to add was that when we last met, you Deliwe said to me that it was true that at one time Africans-Americans were considered 3/5 of a human being, as if I possibly wasn't aware of my own history. Let me tell you why I was offended. Yes, historically this is true. African Americans are painfully aware that our ancestors were once legally considered to be 3/5 of a person AND historically they were also enslaved, raped, lynched, murdered, torn away and separated from their families by white people. Yes, historically this is true. But, any reasonable black person does not want to be reminded of this. Particularly by white colleagues who under normal circumstances doesn't give a damn about me or my culture. So the last thing I want to overhear by white colleagues discussing at the watercooler is that my ancestors were considered 3/5 of a person. In the wake of the 50 years yesterday that it's been that a white person shot Dr. Martin Luther King dead, the irony of what we celebrate. As we are all aware there is a lot of negativity going on in the country these days. Young African American men and boys are being gunned down every hour by racist police officers who are paid to protect us. The President of the United States has referred to African countries as shithole countries.

I went through a timeline and stated all the facts. My intention is to go on record. It is not a perfect world. We all know this, particularly right now. I have never lived in a time where everyone has been so divided and it is shameful. In the past, people kept any racist views they had to themselves and in my experience, it has not shown up in the workplace, but NOW. The one time Marilyn Barton decides to discuss race, it's not to ask a compassionate question, it was to belittle (in my opinion) her African-American colleagues at the water cooler with a Caucasian student aid. It's very telling and incredibly offensive. I'm not going to sit quietly and accept racist comments from colleagues. We are an office of women who should be empowering one another and leading by example. I have been greatly disappointed by these actions and tried to resolve it. This time enough was enough. It was extremely discriminating, personal and insensitive. I hate to say it, maybe Anton and Umlita were right.

There has to be some sort of sensitivity training. The training that is in place does not seem to be working. The incidents started in 2014 and it's still going on in 2018.

RECOMMENDATION(S):

What would I like to see happen:

Marilyn Barton, Brenda Cowan, and Dean Mary Davis and Jonathan Kyle Farmer should be reprimanded. They don't seem to feel that racist remarks are unacceptable. There are staff and people who don't feel supported. People are saying whatever they want, and they cannot behave this way in a professional work environment.

I would like to see reprimanded actions that can be executed according to Civil Rights Act of 1964 and 1968, i.e., Labor Relations and Discriminatory Laws?

I want these people to know that casual racism **IS** racism, and always bear in mind that her discriminatory comments and/or behavior is unacceptable, unprofessional and will not be tolerated. The behavior/comments were unethical and morally wrong. Under the EEO, there should be a zero tolerance for racist discriminatory remarks. Everyone must be respectful of other cultures and should be reprimanded for racist behavior.

Further recommendations: Suspension, termination or fines and monetary compensation. She broke the laws and all rights reserved under and pertaining to discrimination via her words and outright inconsiderate behavior. She needs to be held accountable for all said that are in Violation of the Civil Rights Acts 1964 inclusive of EEOC discriminatory Employment and Labor Relations Laws for her irrefutable, repetitive and disrespectful behavior.

The office of Affirmative Action can speak to 1) Anton Baptiste and 2) Umita Allsop as my witnesses.

Thank you.

Respectfully submitted,

Marjorie Phillips